

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LG ENERGY SOLUTION, LTD.

Petitioner,

v.

Case No. 1:23-cv-10815-JPC

MARENGO BATTERY STORAGE LLC,
and USGEM, Inc.

Respondents.

~~PROPOSED~~ AGREED ORDER

This matter comes before the Court on Petitioner LG Energy Solution, Ltd.’s (“LGES” or “Petitioner”) Petition to Compel Arbitration [ECF 1] and Memorandum of Law in Support [ECF 7]. Counsel for Petitioner and counsel for Respondents, Marengo Battery Storage, LLC (“Marengo”) and USGEM, Inc. (“USGEM”) (collectively “Respondents”) having conferred and exchanged documents and information, the parties agree that:

1. Respondents are ordered, pursuant to Section 4 of the Federal Arbitration Act, to submit to arbitration in New York, New York the claims filed in the Illinois lawsuit, 3:23-cv-50419 (N.D. Illinois);
2. The parties shall have fourteen (14) days after the Court’s entry of this Order to exchange and confer on proposed arbitrator names. If no agreement is reached within fourteen (14) days, this Order directs the AAA to identify five (5) proposed arbitrator names for the parties to confer on in an effort to reach agreement. Absent an agreement within seven (7) days after the names are provided by the AAA, the AAA will appoint an arbitrator.

3. Petitioner's Petition to Compel Arbitration [ECF 1] otherwise shall be dismissed without prejudice.

Dated: February 26, 2024

A handwritten signature in black ink, appearing to read "John P. Cronan", written over a horizontal line.

Hon. John P. Cronan
U.S. District Court, SDNY